

# SENATE BILL No. 278

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-9-7; IC 22-9-11.

**Synopsis:** Employment of individuals with disabilities. Provides that the policy (policy) of the state is to promote competitive and integrated employment, including self-employment, as the first and preferred option when providing services to individuals with disabilities who are of working age. Provides that the policy applies to programs and agencies that provide services and support to help obtain employment for individuals with disabilities. Provides that the primary objective and preferred outcome of transition services provided as part of a special education program or related services to a child with a disability who is at least 14 years of age is to assist the child in obtaining competitive and integrated employment. Establishes an employment first task force to: (1) establish baseline data regarding the number of individuals with disabilities in competitive and integrated employment and set annual goals for increasing the percentage of individuals with disabilities in competitive and integrated employment; (2) identify and resolve barriers to employment for individuals with disabilities; (3) analyze current state agency policies concerning the provision of services to individuals with disabilities and recommend changes; (4) assist state agencies in the implementation of the policy; and (5) provide an annual report to the governor and the legislative council concerning the employment of individuals with disabilities. Provides that the director of the division of disability and rehabilitative services serves as the task force chair.

**Effective:** July 1, 2016.

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January 7, 2016, read first time and referred to Committee on Pensions & Labor.

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Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE BILL No. 278

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 12-9-7 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2016]:
- 4 **Chapter 7. Employment First Task Force**
- 5 **Sec. 1. The definitions set forth in IC 22-9-11 apply to this**
- 6 **chapter.**
- 7 **Sec. 2. As used in this chapter, "task force" refers to the**
- 8 **employment first task force established under section 3 of this**
- 9 **chapter.**
- 10 **Sec. 3. The employment first task force is established.**
- 11 **Sec. 4. The task force shall do the following:**
- 12 **(1) Establish baseline data regarding the number of**
- 13 **individuals with disabilities in competitive and integrated**
- 14 **employment and set annual goals for increasing the**
- 15 **percentage of individuals with disabilities in competitive and**
- 16 **integrated employment.**
- 17 **(2) Identify and resolve barriers to employment for**



1 individuals with disabilities.

2 (3) Analyze state agency policies concerning the provision of  
3 services to individuals with disabilities and recommend  
4 changes to those policies to comply with IC 22-9-11.

5 (4) Assist state agencies in the implementation of IC 22-9-11,  
6 including the changes recommended under subdivision (3).

7 (5) Submit, not later than October 1, 2017, and not later than  
8 October 1 each year thereafter, to the governor and to the  
9 legislative council in an electronic format under IC 5-14-6 an  
10 annual report concerning:

11 (A) the progress in achieving the goals established under  
12 subdivision (1);

13 (B) the implementation of IC 22-9-11; and

14 (C) any recommendations, including suggested legislation,  
15 concerning the employment of individuals with disabilities.

16 Sec. 5. (a) The task force consists of thirteen (13) members as  
17 follows:

18 (1) The secretary of the family and social services  
19 administration.

20 (2) The director of the division of disability and rehabilitative  
21 services.

22 (3) The administrator of the office of Medicaid policy and  
23 planning.

24 (4) The commissioner of the department of workforce  
25 development.

26 (5) The state superintendent of public instruction.

27 (6) Two (2) members appointed by the governor representing  
28 groups that support employment as the first and preferred  
29 option for individuals with disabilities.

30 (7) One (1) member appointed by the governor representing  
31 groups that provide information and advocacy services to  
32 protect the rights of Indiana residents with disabilities.

33 (8) One (1) member appointed by the governor representing  
34 employers that currently hire individuals with disabilities.

35 (9) Two (2) members appointed by the governor representing  
36 providers of services to individuals with disabilities.

37 (10) One (1) member appointed by the governor representing  
38 individuals with disabilities.

39 (11) One (1) member appointed by the governor representing  
40 families of individuals with disabilities.

41 (b) An officeholder listed in subsection (a)(1) through (a)(5) may  
42 appoint a designee to serve on the task force. An individual



1 appointed as a designee shall serve as a permanent designee until  
2 replaced by the officeholder.

3 (c) The governor shall make the initial appointments under this  
4 section not later than July 15, 2016.

5 (d) A vacancy on the task force is filled in the same manner as  
6 the original appointment.

7 Sec. 6. (a) The director of the division of disability and  
8 rehabilitative services or the director's designee shall serve as the  
9 chair of the task force.

10 (b) The task force shall meet at least quarterly or at the call of  
11 the chair.

12 Sec. 7. (a) A majority of the members of the task force  
13 constitutes a quorum for the purpose of conducting business.

14 (b) The affirmative votes of a majority of the members of the  
15 task force are necessary for the task force to take official action on  
16 any measure.

17 Sec. 8. (a) Each member of the task force who is not a state  
18 employee is entitled to the following:

19 (1) The salary per diem provided by IC 4-10-11-2.1(b).

20 (2) Reimbursement for traveling expenses as provided under  
21 IC 4-13-1-4.

22 (3) Other expenses actually incurred in connection with the  
23 member's duties as provided in the state policies and  
24 procedures established by the department of administration  
25 and approved by the budget agency.

26 (b) Each member of the task force who is a state employee is  
27 entitled to the following:

28 (1) Reimbursement for traveling expenses as provided under  
29 IC 4-13-1-4.

30 (2) Other expenses actually incurred in connection with the  
31 member's duties as provided in the state policies and  
32 procedures established by the department of administration  
33 and approved by the budget agency.

34 Sec. 9. (a) The division of disability and rehabilitative services  
35 shall staff the task force.

36 (b) The expenses of the task force shall be paid from  
37 appropriations made to the division of disability and rehabilitative  
38 services.

39 Sec. 10. All state agencies shall fully cooperate with the task  
40 force and provide data and other information to assist the task  
41 force in carrying out its responsibilities under this chapter.

42 SECTION 2. IC 22-9-11 IS ADDED TO THE INDIANA CODE AS



A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**Chapter 11. Employment Opportunities for Individuals With Disabilities**

**Sec. 1.** As used in this chapter, "competitive employment" means work that is performed on a full-time or part-time basis for which an individual with a disability is compensated:

- (1) at or above the minimum wage; and
- (2) not less than the customary wages and benefits provided by an employer for the same or similar work performed by an individual who does not have a disability.

**Sec. 2.** As used in this chapter, "individual with a disability" or "individuals with disabilities" has the meaning set forth in section 3 of the federal Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3101 et seq.).

**Sec. 3.** As used in this chapter, "integrated employment" means a work setting located in the community in which an individual with a disability interacts with individuals who are not service providers and do not have a disability to the same extent that an individual in a comparable position who does not have a disability interacts with individuals who are not service providers and do not have a disability.

**Sec. 4.** As used in this chapter, "self-employment" means a business, profession, or trade owned by an individual and through which the individual earns income directly through the individual's own efforts and not as an employee of a business, profession, or trade owned by another person.

**Sec. 5. (a)** As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of the executive, including the administrative, department of state government, including the following:

- (1) A state elected official's office.
- (2) A state educational institution.
- (3) A body corporate and politic of the state created by state statute.

**(b)** The term does not include the judicial or legislative department of state government.

**Sec. 6.** As used in this chapter, "transition services" has the meaning set forth in 20 U.S.C. 1401(34).

**Sec. 7. (a)** It is the policy of the state to promote competitive and integrated employment, including self-employment, as the first and



1 preferred option when providing services to individuals with  
2 disabilities who are of working age. The policy applies to programs  
3 and agencies that provide services and support to help obtain  
4 employment for individuals with disabilities.

5 (b) State agencies shall follow the policy described in subsection  
6 (a) and ensure that the policy is implemented effectively in the state  
7 agencies' programs and services.

8 Sec. 8. (a) This section applies to transition services provided as  
9 part of a special education program or related services to a child  
10 with a disability who is at least fourteen (14) years of age.

11 (b) The primary objective and preferred outcome of providing  
12 the services described in subsection (a) is to assist the child in  
13 obtaining competitive and integrated employment.

14 Sec. 9. (a) State agencies shall coordinate efforts and collaborate  
15 within and among themselves to ensure that state programs,  
16 policies, procedures, and funding support competitive and  
17 integrated employment of individuals with disabilities.

18 (b) Whenever feasible, state agencies shall share data and  
19 information in order to track progress toward the implementation  
20 of this chapter.

21 (c) State agencies may adopt rules under IC 4-22-2 to implement  
22 this chapter.

23 Sec. 10. This chapter may be cited as the Indiana Employment  
24 First Act.

